

June 19, 2006

The Honorable Jane Harman
Ranking Member
House Permanent Select Committee on Intelligence
U.S. House of Representatives
2400 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
House Judiciary Committee
U.S. House of Representatives
2426 Rayburn House Office Building
Washington, DC 20515

RE: Support for H.R. 5371 (the Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act)

Dear Representatives Harman and Conyers:

We write on behalf of the Center for Democracy and Technology, a non-partisan public policy organization, to express our support for H.R. 5371, the "Lawful Intelligence and Surveillance of Terrorists in an Emergency by NSA Act."

Rather than amending FISA, as some other measures would, your bill reiterates that FISA and Title III are the exclusive means by which the President can conduct domestic electronic surveillance. It requires the President to obtain a court order before targeting someone in the US for surveillance and it directs the President to report to Congress on the need for more resources and any legislative and procedural changes that are necessary. It also makes clear that the Authorization to Use Military Force did not authorize the President to conduct warrantless surveillance outside of FISA or Title III.

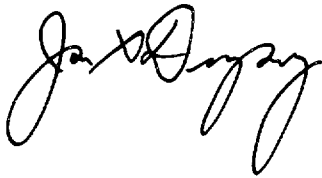
By returning the courts and the Congress to their proper places as equal branches of government, this bill restores the constitutional balance of power that the Administration's warrantless surveillance program has upended.

We applaud your approach and your efforts and we look forward to working with you to ensure the passage of the bill.

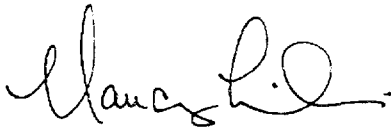
Sincerely,

A handwritten signature in cursive script, reading "Leslie Harris".

Leslie Harris
Executive Director

A handwritten signature in cursive script, reading "James X. Dempsey".

James X. Dempsey
Policy Director

A handwritten signature in cursive script, reading "Nancy Libin".

Nancy Libin
Staff Counsel